

## Court of Appeals, State of Michigan

### ORDER

People of MI v Thomas James Earls	Kirsten Frank Kelly Presiding Judge
Docket No. 281248	Kurtis T. Wilder
LC No. 05-006016 FC	Elizabeth L. Gleicher Judges

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The Court orders that defendant Thomas James Earl's Motion to Proceed In Propria Persona and Motion to Hold Appeal in Abeyance Pending Resolution of Motion to Proceed In Propria Persona is hereby HELD IN ABEYANCE until further order of this Court.

The Court further orders that counsel Terence R. Flanagan is directed to prepare an affidavit for defendant's signature, wherein defendant avers, pursuant to *People v Williams*, 470 Mich 634, 641-643; 683 NW2d 597 (2004), and MCR 6.005(D) :

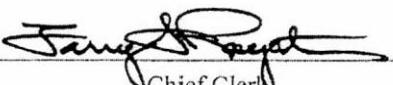
1. Despite the fact that Terence R. Flanagan has been appointed to represent him in the instant appeal, defendant waives his right to counsel and desires to proceed in propria persona;
2. Defendant recognizes that, because he lacks formal legal training, there is a risk he may not understand the rules of procedure, rules of evidence, case law, and may not be as effective an advocate on his behalf as would a lawyer trained to handle criminal appeals, and that his ineffectiveness cannot be the basis for a further appeal should his conviction be affirmed. In other words, defendant recognizes that self-representation carries with it some risks, but defendant elects to do so with eyes wide open;
3. Defendant understands the maximum penalty for his conviction of safe breaking, MCL 750.531 (life or any term of years), second-degree home invasion, MCL 750.110a(3) (not more than 20 years, fine of up to \$5,000 or both) receiving and concealing firearms, MCL 750.535b (up to 10 years, fine of up to \$5,000 or both), and receiving and concealing stolen property between \$1,000 and \$20,000, MCL 750.535(3)(a) (not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine). He was sentenced as a fourth habitual offender, MCL 769.12, to concurrent prison terms of 3 to 30 years on each count;
4. Defendant promises to abide by the rules, procedures, and rulings of this Court, such that the proceedings will not be unduly disrupted;
5. Defendant understands that, pursuant to the orders of this Court, Terence R. Flanagan is available to serve as stand-by counsel, should defendant desire his assistance.

Defendant's affidavit shall be filed with this Court within 28 days of the Clerk's certification of this order. The Court will rule on defendant's motions after the expiration of the 28 days deadline.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 15 2011  
Date

  
Chief Clerk